

DECLARATION - USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **DEVICE FOR DYNAMICALLY STABILIZING BONES OR BONE FRAGMENTS, ESPECIALLY THORACIC VERTEBRAL BODIES**
the specification of which:

☒ was described and claimed in PCT International Application No. PCT/EP2004/004775 filed on May 5, 2004.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56;

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent, design or inventor's certificate or any PCT international application(s) listed below and have also identified below any foreign application(s) for patent, design or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed for the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 U.S.C. § 119
Germany	103 26 517.1	06/12/03	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

Full name of first inventor: Schläpfer, Johannes Fridolin

Inventor's signature Fridolin Schläpfer Day 17 Month 06 Year 2005

Residence (city and country). Bölchenstrasse 1, 4434 Hölstein, Switzerland

Citizenship: Suisse

Post Office Address: Bölchenstrasse 1, 4434 Hölstein

Full name of second inventor: Schän, Manuel

Inventor's signature [Signature] Day 17 Month 6 Year 05

Residence (city and country) Baselstrasse 13, 4132 Muttentz, Switzerland

Citizenship: Suisse

Post Office Address: Baselstrasse 13, 4132 Muttentz

Send Correspondence To:
KNOBBE, MARTENS, OLSON & BEAR, LLP
Customer No. 20,995

1707129_1
052605

**ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION
AND
REVOCATION AND POWER OF ATTORNEY**

To the Commissioner of Patents and Trademarks:

The undersigned is empowered to act on behalf of the assignee indicated below (the "Assignee"). The original assignment of the attached application for Letters Patent for the invention in **DEVICE FOR DYNAMICALLY STABILIZING BONES OR BONE FRAGMENTS, ESPECIALLY THORACIC VERTEBRAL BODIES** from the inventors to the Assignee is being submitted herewith for recordation by the Assignment Branch. A true copy of this Assignment is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee. I have reviewed this Assignment, and to the best of the Assignee's knowledge and belief, the Assignee is the owner of the entire right, title, and interest in the above-referenced application.

I declare that all statements made herein of my own knowledge are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

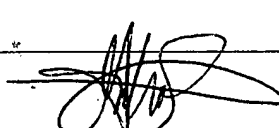
Please use **Customer No. 20,995** for all communications.

Dated: 19.06.05

Assignee: Stratec Medical

By: Friddin H. Leupinger

Title: Director HR

Address:  Leupinger

Helene Schaub, LL.M., MAES
Manager Legal Department

COPY

- DO NOT RECORD -

PATENT

ASSIGNMENT

WHEREAS, WE (1) Schläpfer Johannes Fridolin,
a suisse citizen, residing at 4434 Hölstein, Switzerland

(2) Schär Manuel
a suisse citizen, residing at 4132 Mutttenz, Switzerland

hereinafter referred to as Assignor (collectively if more than one inventor is listed above), have invented certain new and useful improvements in DEVICE FOR DYNAMICALLY STABILIZING BONES OR BONE FRAGMENTS, ESPECIALLY THORACIC VERTEBRAL BODIES, the specification of which:

☒ was described and claimed in PCT International Application No. PCT/EP2004/004775 filed on May 5, 2004.

AND WHEREAS, Stratec Medical, with its principal place of business at 4436 Oberdorf, Switzerland, (hereinafter referred to as Assignee) desires to acquire the entire right, title, and interest in and to the said improvements with respect to the United States of America, its territories and possessions.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor hereby acknowledges that it has sold, assigned, transferred and set over, and by these presents does hereby sell, assign, transfer and set over, unto Assignee, its successors, legal representatives and assigns, the entire right, title, and interest in the United States of America, and its territories and possessions in, to and under said improvements, and any Patent Applications in the United States of America and all divisions, renewals and continuations thereof, and all Patents of the United States of America which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions; and Assignor hereby authorizes and requests the Commissioner of Patents of the United States of America to issue all Patents for said improvements to Assignee, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND ASSIGNOR HEREBY covenants and agrees that it will communicate to Assignee, its successors, legal representatives and assigns, any facts known to it respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid Assignee, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in the United States of America.

IN TESTIMONY WHEREOF, Assignor intending to be legally bound has hereunto affixed its signature.

This 17 day of June, 2005

Fridolin
Signature of Schläpfer Johannes Fridolin

This 17 day of JUNE, 2005

SK
Signature of Schär Manuel

Witnessed by:

C. Oechslin
Claudia Oechslin